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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,608

01/30/2006

Peter Alexander Pas

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10/20/2009

YOUNG & THOMPSON

209 Madison Street

Suite 500

Alexandria, VA 22314

EXAMINER

NGUYEN, HOANG M

ART UNIT

PAPER NUMBER

3748

MAIL DATE

DELIVERY MODE

10/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/521,608	<b>Applicant(s)</b> PAS, PETER ALEXANDER	
	<b>Examiner</b> Hoang M. Nguyen	<b>Art Unit</b> 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Applicant's amendment dated August 13, 2009, has been fully considered.

Applicant argued the CN 2461939 is not a valid reference due to the publication date of the reference. The Examiner agrees. A new ground of rejections has been based on a newly discovered reference from further searches.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 13, 14, 16-19, 21, 23, 27, 28, are rejected under 35 U.S.C. 102(b) as being anticipated by US 5512787 (Dederick).

Dederick discloses a portable power plant which can be used in a vehicle or a marine craft (column 4, lines 61-63), the system comprising many different renewable energy generators including a solar panel collector 12, a wind generator 14, a tidal barge 16, a wave action generator 18, a wave wind generator 20, a switch control S1 for collecting electricity from those generators (column 5, lines 29-68 to column 6, lines 1-21); electrolyzer 22 for using the electricity from said control S1 to generate hydrogen 28 and oxygen 26, to be stored in oxygen storage 30, hydrogen storage 32, a fuel cell 38 for oxidizing said hydrogen to generate power to be stored in battery banks 44.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 13, 14, 16-19, 21, 23, 27-28, are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 94/20802 (Bossinger et al) in view of US 5512787 (Dederick). Bossinger et al discloses a portable wind turbine transportable housing. The reference 1 (DI: WO 94/20802 A1) also discloses a mobile power station, and it has disclosed the following technical features: the mobile power station comprises a wind-energy power system 8 comprised of a rotor blade 81 and a wind-energy generator 9; a solar cell panel 25 containing solar cells 6, storage means 4 for storing electrical energy and delivery means 41 for delivering electrical energy, wherein the wind-energy power system and the solar panel, respectively, are connected to the storage means for supplying electrical energy, respectively, to said storage means (see abstract, page 1, lines 6-11, page 2, line 16 to page 3, line 5, page 5, lines 15-26, page 7, lines 6-37, page 8, lines 13-16, page 15, lines 27-34, and Figures 1-6). Bossinger et al does not disclose "the storage means comprise a battery and a hydrogen system, and wherein the hydrogen system comprises a hydrogen generator, a hydrogen tank, actively connected to the hydrogen generator, for storing hydrogen produced using the hydrogen generator, and a hydrogen cell, actively connected to the hydrogen tank, for generating electrical energy by combustion of hydrogen". Dederick discloses a portable power plant which can be used in a vehicle or a marine craft (column 4, lines 61-63), the

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system comprising many different renewable energy generators including a solar panel collector 12, a wind generator 14, a tidal barge 16, a wave action generator 18, a wave wind generator 20, a switch control S1 for collecting electricity from those generators (column 5, lines 29-68 to column 6, lines 1-21); electrolyzer 22 for using the electricity from said control S1 to generate hydrogen 28 and oxygen 26, to be stored in oxygen storage 30, hydrogen storage 32, a fuel cell 38 for oxidizing said hydrogen to generate power to be stored in battery banks 44. It would have been obvious to modify the system in Bossinger to have the storage with battery and hydrogen system as taught by Dederick for the purpose of storing energy and hydrogen, and to use a fuel cell using hydrogen as fuel as taught by Dederick for the purpose of generating more electricity. Regarding claim 19, it would have been obvious to provide a vent in Bossinger et al for the purpose of venting the pressure. Regarding claim 21, it would have been obvious to select the size of the container for the purpose of achieving appropriate power input.

Claims 10-12, 20, 24-26, are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 94/20802 (Bossinger et al) in view of Dederick and DE 9321520. Bossinger et al as modified discloses all the claimed subject matter as set forth above in the rejection of claim 9, but does not disclose a filter system with membrane type. DE 9321520 discloses a system using a filter system F1, F2, in a power plant in order to eliminate contaminants. It would have been obvious to modify the system in Bossinger to have the filter means as taught by DE 9321520 for the purpose of eliminating contaminants.

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 94/20802 (Bossinger et al) in view of Dederick and DE 375,498. Bossinger et al as modified discloses all the claimed subject matter as set forth above in the rejection of claim 9, but does not disclose a frame with extendable support. DE 375,498 discloses a system using a frame p with extendable support y. It would have been obvious to modify the system in Bossinger to have the frame with extendable support as taught by DE 375498 for the purpose of being able to adjust the position of the power plant.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hoang M Nguyen/  
Primary Examiner, Art Unit 3748

HOANG NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3748

Hoang Minh Nguyen  
10/20/2009